



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 14 1990

OFFICE OF WATER

MEMORANDUM

SUBJECT: FY 1991 STARS/OWAS Commitments and Reporting
Requirements for the Underground Injection Control
(UIC) Program Guidance #70

FROM: Robert J. Blanco, Director *Francine H. Brainer*
State Programs Division *(Acting)*
Office of Drinking Water

TO: Water Division Directors
Drinking Water Branch Chiefs
UIC Section Chiefs
Regions I-X

The purpose of this memorandum is to outline the UIC Program's commitment-setting and reporting protocol as agreed to in the FY 1991 Agency Operating Guidance (AOG) and the Guide to the Office of Water Accountability System and Regional Evaluations (OWAS). This reporting guidance reflects a number of growing program priorities including emphasis on the Class V well program and implementation of the UIC Data Management Project.

UIC Section Chiefs should ensure that the appropriate Regional and State staff who handle STARS (Strategic Targeted Activities for Results System - formerly called SPMS) and OWAS reporting for the UIC Program receive a copy of this guidance. Any questions regarding this guidance can be directed to Douglas Minter in the UIC Program here at Headquarters at FTS 382-7784.

STARS MEASURES

For FY 1991, the number of measures in STARS has been considerably reduced. This is primarily due to an Agency-wide effort toward a more qualitative and less quantitative approach to assessing the Agency's performance. At the same time, Agency management is encouraging the increased use of measures that provide better data on the environmental (as opposed to administrative) progress of its programs.

The following FY 1991 STARS measures are listed by number (DW-# or DW/E-#) as reflected in the FY 1991 Annual Operating Guidance. The code numbers (OW-#) have been assigned by the Office of Pollution Prevention or OPP (formerly the Office of Management Systems and Evaluation or OMSE). Please refer to Attachment 1 for a comprehensive list of STARS measures and the data fields on the 7520 UIC federal reporting forms from which they are derived. Excluding exceptions list reporting, STARS performance is to be reported cumulatively throughout the year.

1. Mechanical Integrity Testing

As in FY 1990, the STARS measure will track the number of wells tested for mechanical integrity (MIT) for all classes of wells as measure number DW-2. This item will be calculated from 7520-3 Section VI-A and will be given the code number OW-66 for EPA performance and OW-67 for primacy performance in STARS.

2. Wells in Significant Noncompliance (SNC)

This measure will continue to track the number of wells in significant noncompliance as DW/E-6. This item will be calculated from 7520-2B Section V-A and will be given the code number OW-71 for EPA performance and OW-72 for primacy performance in STARS.

3. Exceptions List Reporting

This measure (DW/E-8), which indicates how effective a program is in addressing incidences of significant noncompliance, will be given the code number OW-77 for EPA performance and OW-78 for primacy performance in STARS. The exceptions list is a well-by-well account of facilities reported in SNC (7520-2B Section V-A) in two or more consecutive quarterly reports (i.e., more than 90 days) which have not been addressed with a formal enforcement action or returned to compliance.

Please note that once a well is on the exceptions list, it must remain on the list until the violation has been resolved. Resolution occurs when the facility has complied with the terms of a formal enforcement order or a civil or criminal case has been filed by the State Attorney General or the Department of Justice (i.e., the case is beyond EPA's jurisdiction). The initiation of formal enforcement does not constitute resolution. In order to ensure accurate tracking of these high priority wells, it is crucial that all requested data (including the date of violation, enforcement, and resolution) be provided on form 7520-4.

The 7520-4 form is used for entering the quarterly exceptions number into STARS. This STARS number reflects wells that were 1) resolved during the quarter and 2) added at the

close of the quarter as new exceptions. As an example, a program reports (see Attachment 2):

Three wells as exceptions at the start of the quarter:	3
Two of these wells as resolved:	-2
One well as a new exception at the quarter's close:	<u>+1</u>

The number of exceptions remaining to be resolved (STARS): 2

The program would then cite two wells as exceptions at the start of the next quarter.

4. Administrative Orders (AOs)

This measure (DW/E-9) will continue to track administrative order work differently for EPA and primacy programs. EPA-run programs will continue to report proposed AOs for all well classes. This number should be consistent with the AO number reported to Peter Bahor (FTS 382-7280) of the UIC Enforcement Section at HQ. EPA-issued AOs will be given the code number OW-80 in STARS. Primacy programs will continue to report final AOs for all well classes. Primacy-issued AOs will be given the code number OW-81 in STARS. The AO numbers for EPA and primacy programs as reported in STARS will represent the sum total of AOs (7520-2A Section VI-B-3) and consent agreements (7520-2A Section VI-B-2).

STARS COMMITMENTS

Due to the reduction of STARS measures, pre-negotiated commitments are required for only one activity: the number of wells tested for mechanical integrity. Class II wells that have not been tested for mechanical integrity as part of a program's first five-year cycle should be the first priority. A realistic target for MIT work should be within plus or minus ten percent of actual performance which, in turn, enhances the credibility of the UIC program.

Currently, HQ and the Regions can submit quarterly target numbers for DI and primacy programs to their respective contacts for entry into STARS. OPP's deadline for initial STARS target entry is COB Monday, September 4. I am requesting that the Regions submit quarterly target numbers to UIC HQ for each DI and primacy State on the enclosed form (Attachment 3) by COB Friday, August 24. For States with split programs (FL, CO, SD, CA, and AK), Regions should report separate DI and primacy targets. All entries should be based on cumulative numbers beginning October 1, 1990. This form will assist the Regions and HQ in resolving any target discrepancies before OPP's final target resolution deadline of COB Friday, September 21. It will also serve as official documentation for FY 1991 targets.

Please note that for those Regions allowing primacy programs up to 30 additional days to report, first quarter targets should minimally cover primacy activity for the months of October and November to adjust to those programs' new reporting year (see section on Reporting Schedule).

OWAS MEASURES

The Office of Water has identified reporting requirements (in addition to STARS) through the "A Guide to the Office of Water Accountability System and Regional Evaluations" or OWAS. These are included along with the list of STARS measures in Attachment 1. Please note that compliance review work for all well classes should be entered under 7520-1 Section VII entitled "Number of Rule-Authorized Class II Wells Reviewed". For additional instruction for reporting on OWAS measures please refer to the UIC Program's Reporting Guidance for FY 1989 (#60).

ANNUAL REPORTS

Regions and States are also to prepare an annual program report that includes the following:

1. A narrative description of a State's implementation of the program;
2. An updated inventory of underground injection wells in the State to be submitted by November 30;
3. A Financial Status Report (FSR).

The annual narrative should be brief and cover any major UIC program highlights, including substantive and organizational changes. Significant issues and any litigation should also be discussed. Narratives should be completed by both primacy and EPA programs.

For annual budget and program planning, each State must update the injection well inventory. The inventory should be forwarded to HQ and will be used as a basis for grant allocations, Regional workload evaluations, and FTE distribution.

Annual grant utilization (FSR) is to be submitted at the close of the UIC grant period for primacy programs.

REPORTING SCHEDULE

As you may be aware, the Office of Pollution Prevention

(OPP) and the Office of Enforcement (formerly the Office of Enforcement and Compliance Monitoring or OECM) have continually requested that UIC primacy data be reported on a real-time basis. Although we have reiterated that actual real-time reporting may be difficult for some primacy programs, we have agreed to institute primacy real-time reporting in FY 1991. In doing so, the Regions will have the option of providing primacy programs up to an additional 30 days to report quarterly performance. Exercising this option will create a maximum 30 day lag in a primacy program's reporting year until that program is able to report on a real time basis (see Attachment 4).

Please note that only primacy STARS performance needs to be forwarded to HQ along with the Region's DI quarterly report in order to meet OPP's quarterly reporting deadline. The primacy 7520 report itself should be submitted to HQ within 45 days after the close of the federal fiscal quarter (see Attachment 4). A STARS-specific reporting form, which can be used by those Regions that have not developed and submitted their own STARS-specific report in the past, is attached (Attachment 5).

There are two very important reasons for implementing primacy real-time reporting at this time. First, we will significantly improve Regional/Headquarters management's ability to promptly identify and address issues on high priority activities in primacy States - States which represent an increasing majority of the UIC national workload. Secondly, the focus of the UIC Data Management Project starting in early FY 1991 is to promote and develop Automatic Data Processing (ADP) systems in a number of primacy States. The Project's efforts will greatly enhance these primacy programs' ability to report performance (and other) data on a real-time basis.

Please also note that since this reporting timetable becomes effective on October 1, 1990, the current one quarter lag in primacy reporting needs to be eliminated. Accordingly, all Q4 FY 1990 primacy STARS data should be reported to HQ by OPP's extended end of year deadline of early November (as was done informally last year).

CLASS V REPORTING

One of the major Regional/State program goals as stated in the FY 1991 Agency Operating Guidance highlights the UIC program's need to "carry out quantifiable Class V activities" (p. 24). As Class V activity continues to increase, the need for consistent and accurate reporting of Class V activities will also increase. The existing 7520 reporting forms can accommodate most Class V work and I want to briefly mention the activities that should be accounted for on these forms. It is important to note that State UIC agencies should report all Class V-related work

which utilizes UIC grant funds or for which that agency is at least partially responsible.

1. Permitting

For those programs that use permitting as a Class V regulatory tool, issuance (for operation or closure), denial, or modification of a permit should be accounted for on 7520-1 Sections V and VI. However, where an operator chooses to shut down the well rather than apply for a permit, the action should be reported as a well closure, not a permitting action.

2. Inspections

Class V inspections should be done for a specific purpose rather than on a routine basis. Meaningful inspections would include sampling of injectate quality and verifying that permit terms or AO requirements are being followed. As the new TC rule becomes effective, Regions and States should focus on identifying, notifying, closing, and enforcing against operating Class V wells injecting hazardous waste (banned-Class IV). Inspections should be reported on 7520-3 Section V for all categories of Class V wells.

3. Enforcement

All identified Class IV wells and all Class V wells identified as threatening USDWs should be reported as SNCs (see Guidance #66 on the "Identification and Closure of Class IV Wells..."). All well closures that result from identifying these high risk wells should be accounted for as returned to compliance on 7520-2B Section VII. Voluntary Class IV/V well closures (i.e., wells not identified as a violation) should be reported as an attachment (see #4).

4. Voluntary Well Closure

This is the one activity which cannot currently be accounted for on the 7520 forms. Since we hope that voluntary closures for both Class IV and endangering Class V wells will, in fact, occur in large numbers, we encourage the Regions and States to list those as an attachment. Well closures should be verifiable either on a facility or activity basis. For example, if a major user of Class V wells in a State (e.g., an oil company) issues a directive to its affiliates to stop using Class V wells, some effort should be made to estimate the number of wells affected by the decision. A distinction should be made between those closures resulting from EPA activity (e.g., a permit call-in) and those that do not (as in the oil company directive mentioned above).

ATTACHMENT 1

**SUMMARY OF FY 1991 STARS/OWAS MEASURES
UIC PROGRAM**

<u>STARS/OWAS</u>	<u>OPP CODE NO</u>	<u>DESCRIPTION</u>	<u>REPORT FORM</u>
/1(a)		PERMIT DETERMINATIONS	7520-1 Sec VI A,B,D,E
/2(a)		AREA OF REVIEW	7520-1 Sec VIII A,B,C
DW-2 /3(a)	OW-66&67	WELLS W/ MIT	7520-3 Sec VI A
/3(b)		WELLS FAILED MIT	7520-3 Sec VI B,C,D
/3(c)		WELLS MIT WITNESSED	7520-3 Sec V B-1
/3(d)		WELLS INSPECTED	7520-3 Sec V A
/3(e)		INSPECTIONS	7520-3 Sec V B
/4(a)		CLASS I HW PETITIONS	N/A
DW-E-6/5(a)	OW-71&72	WELLS IN SNC	7520-2B Sec V A
/6(a)		WELLS REVIEWED FOR COMPLIANCE	7520-1 Sec VII
DW-E-8/7(a)	OW-77&78	WELLS ON EXCEPTIONS LIST	7520-4
DW-E-9/7(b)	OW-80&81	ADMINISTRATIVE ORDERS	7520-2A Sec VI B-2&3
/7(c)		CASE REFERRALS	7520-2A Sec VI B-4&5
/7(c)		CASES FILED AND CONCLUDED	N/A

<u>STARS/OWAS</u>	<u>OPP CODE NO</u>	<u>DESCRIPTION</u>	<u>REPORT FORM</u>
/8(a)		WELL INVENTORY	N/A
/9(a)		GRANT UTILIZATION	N/A
/10(a)		TRIBAL APPLICATIONS FOR PRIMACY RECEIVED	N/A
/10(b)		TRIBAL TAS APPLICATIONS RECEIVED	N/A
/11(a)		CLASS IV WELL CLOSURES	as an attachment
/11(b)		POLLUTION PREVENTION INITIATIVES	N/A



United States Environmental Protection Agency
Office of Drinking Water
Washington, DC 20460
UIC Federal Reporting System

Part IV: Quarterly Exceptions List

(This information is collected under the authority of the Safe Drinking Water Act.)

Form Approved
OMB No. 2040-0042
Approval expires 7-31-91
Reporting Period
From October 1, 1989 To December 31, 1989

Attachment 2

II. Well Class and Type	III. Name and Address of Owner/Operator	IV. Well ID No. (Permit No.)	V. Summary of Violations							VI. Summary of Enforcement							VII. Date Compliance Achieved		
			Date of Violation	Unauthorized Injection	Well Mechanical Integrity	Injection Pressure	Plugging and Abandonment	Formal Order	Falsification	Other (Specify)	Date of Enforcement	Notice of Violation	Consent Agreement	Administrative Order	Civil Penalties	Criminal Penalties		Well Shut-in	Pipeline Severance
1-I	Miller Chemical Co. Anytown, TX 76000	include if known	1/30/88		X							X							11/15/89
II	Joe's Service Station Anytown, TX 76000		6/15/88	X								X							9/30/89
II	Larry's Dry Cleaning Anytown, TX 76000		4/10/89	X								X							
IV	Midtown Body Shop Anytown, TX 76000		8/30/89	X															

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Signature of Person Completing Form

Typed or Printed Name and Title

Date

Telephone Number

John Doe, UIC Director

1/15/90

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PRIMACY PROGRAMS

REPORTING QUARTER ENDS
(MAX. 30 DAY LAG SCHEDULE)

REPORTING QUARTER ENDS
(REAL TIME SCHEDULE)

STARS
TO
HQ

ALL 75206
TO HQ

STARS
DEADLINE

Q1

Q2

Q3

Q4

OCT NOV DEC JAN FEB MAR APR MAY JUNE JULY AUG SEPT OCT NOV

PROGRAMS

Month	ALL 7620s TO HQ	REPORTING QUARTER ENDS
OCT		
NOV		
DEC	●	●
JAN		
FEB		
MAR	●	●
APR		
MAY		
JUNE	●	●
JULY		
AUG		
SEPT		●
OCT	●	
NOV		

STARS DEADLINE:

- Q1
- Q2
- Q3
- Q4

FY 1991 UIC STARS PERFORMANCE: PRIMACY PROGRAMS

QUARTER _____ (OW-67) (OW-72) (OW-78) (OW-81)

STATE	MITs	WELLS IN SNC	EXCEPTIONS	AOS
REG TOTAL				
REG TARGET		N/A	N/A	N/A